

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

U.S. DISTRICT COURT  
WAYCROSS, GA.

2005 AUG 10 11:23

CLERK *L. Salvatore*  
SO. DIST. OF GA.

FREDERICK BROWN,

Plaintiff,

vs.

CIVIL ACTION NO.: CV501-044

GEORGE SMITH; JIM WETHERINGTON;  
STEVE ROBERTS; RANDALL HOLDEN;  
JACK JONES; JAMES L. THRIFT;  
HARRY RONEY and TONY HOWERTON,

Defendants.

**ORDER**

Defendants have filed a "Motion to Strike Plaintiff's Untimely and Facially Deficient Expert Report." (Doc. 95.) Defendants state that the expert reports of Dr. William S. Thompson and Dr. S. Robert Lathan are untimely and should be stricken from the record. Plaintiff has filed a response. Plaintiff asserts that he filed a motion to re-open discovery and to extend the time to file expert reports and that the Court granted his motion by Order dated April 14, 2005. Defendants' motion is **DENIED**. The Court's Order dated April 14, 2005, granted Plaintiff's motion to extend discovery, but failed to address the requested extension of time to file expert reports.

Defendants are granted leave to depose Dr. William S. Thompson and Dr. S. Robert Lathan despite the fact that the discovery period has elapsed. If Defendants desire to identify expert witnesses, they may file the appropriate motion for leave to do so.

**SO ORDERED**, this 10<sup>th</sup> day of August, 2005.

  
JAMES E. GRAHAM  
UNITED STATES MAGISTRATE JUDGE

**United States District Court**  
*Southern District of Georgia*

ATTORNEYS SERVED:

JACKQUELINE F. BUNN  
JOHN C. JONES  
MCNEILL STOKES

CASE NO: CV501-44

DATE SERVED: 8/10/05

SERVED BY: NITA ROSE

- ☐ Copy placed in Minutes
- ☐ Copy given to Judge
- ☐ Copy given to Magistrate